

The 5th June, 1986

No. 9/9/86-Lab/4065.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of Administrator, Nagar Palika, Yamuna Nagar and Director, Local Bodies, Haryana, Chandigarh.

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD.

Reference No. 170 of 1984

between

THE MANAGEMENT OF ADMINISTRATOR, NAGAR PALIKA, YAMUNANAGAR
AND DIRECTOR, LOCAL BODIES DEPARTMENT, HARYANA, CHANDIGARH
AND ITS WORKMEN

Present :

Shri N. R. Munjal for the workmen.

Shri S. C Bindra for the Management.

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the Management of Administrator, Nagar Palika, Yamunanagar, (2) Director, Local Bodies Department, Haryana, Chandigarh and its workmen, to this Tribunal, for adjudication :—

- (1) Whether the Safai Mazdoors, who have rendered more than one year's service, are entitled to uniforms annually ? If so, with what details ? OPW
- (2) Whether the daily rated workers/Safai Karamcharis of Municipal Committee are entitled to special allowance ? If so, with what details ? OPW

2. Notices were issued to all the parties. In the claim statement, dated 5th September, 1984 it was alleged that all the Municipal Employees, who had rendered more than one year's service, be supplied uniforms as per rules. It is further alleged that all the Safai Mazdoors on daily wages be granted and paid special safai allowance as per direction/notification of the Haryana State.

3. Respondent No. 1 Municipal Yamunanagar in its written statement, dated 7th December, 1984 pleaded that the Safai Karamcharis are allowed uniforms in accordance with the provisions of the Haryana Municipal Safai Mazdoor service Rules, 1976. It was further pleaded that such karamcharis who had completed their probation period and appointed against regular posts, were being provided uniforms in the scale prescribed by the Haryana State Government in 1976 Rules. It was further pleaded that the special allowance sanctioned by the State Government is being paid to regular Karamcharis and that the reference was made to the Deputy Commissioner, who had passed order that there was no ground to grant this allowance to the daily wagers. Similar reply has been filed by respondent No. 2 Director, Local Bodies, Haryana, Chandigarh.

4. The claimants in their rejoinder, dated 7th February, 1985 reiterated the pleas taken in the claims statement.

5. On the pleadings of the parties, the following issues were framed on 11th March, 1985 :—

- (1) Whether the Safai Mazdoors who have rendered more than one year's service are entitled to uniforms annually ? If so, with what details ? OPW
- (2) Whether the daily rated workers/Safai Karamcharis of Municipal Committee are entitled to special allowance ? If so, with what details ? OPW

6. It may be mentioned that the Management has examined one witness and documents Ex. M-1 to M-14 have been tendered into evidence. The claimants have examined two witnesses. After

going through the entire evidence and hearing the representatives of both the parties, my findings on the above issues are as under :—

Issue No. 1:

The Management has examined MW-1 Shri Roop Lal, Assistant, who stated that Safai Karamcharies, who had completed one year's service and had been confirmed, were being supplied uniforms as per rules framed under the Municipal Act and that there was no provision of providing uniforms to casual and daily sated workers. On the other hand Shri Banwari Lal Sweeper WW-1 stated that the Safai Mazdoors (Sweepers) who had rendered more than one year's service had not been supplied uniforms while permanent Sweepers were getting the same. He further stated that casual/daily rated Sweepers, who had completed 240 days or one year's service, were entitled to this facility. Rule 22 of the Haryana Safai Mazdoors Rules, 1976, lays down that the members of service shall be entitled to free supply of uniforms at the scale given in Appendix II. This rule apply to the members of service, who are also entitled to other benefits like payment of Gratuity, Provident Fund and retirement benefit. In rule 3 of these rules, it is laid down that the number of posts in the service shall be such as a committee may from time to time with the approval of the Deputy Commissioner, determine. Consequently these rules apply to the regular employees of the Municipality. The Safai Mazdoors, who are daily rated/casual workers, are thus not entitled to get uniforms even though they have rendered more than 240 days continuous service because under the provisions of section 25-F of the Industrial Disputes Act, such employees are entitled to notice pay and compensation at the time of retrenchment, but they were not members of service. As such, only those Safai Mazdoors are entitled to uniforms who are members of the service and were governed by Haryana Safai Mazdoor Service Rules 1976, according to the scale prescribed in Rule 22 of these Rules. The daily rated/casual Safai Mazdoors, who have rendered one year's service, are thus not entitled to any uniform. The issue is decided accordingly against the workmen.

Issue No. 2:

8. MW-1 Shri Roop Lal, Assistant stated that the special allowance was being paid to confirmed sweepers at the rate of Rs. 65 per month and that the same could not be paid to daily rated/casual employees. He further stated that a reference was made to other Municipal Committees and their replies were Ex. M-1 to M-12 and the reply of the Deputy Commissioner, Ambala was Ex. M-13 in that respect. On the other hand, WW-1 Shri Banwari Lal stated that casual/daily rated sweepers, who had already completed 240 days service are entitled to this facility. The casual/daily rated sweepers are paid wages according to the rates fixed by the Deputy Commissioner. They are not given scale of pay, which is sanctioned for regular/permanent employees. The daily rated/casual Safai Karamcharies are not being given the scales of pay plus allowance which are being given to regular/permanent employees. However while fixing the daily rate of daily rated/casual Safai Karamcharies (Sweepers), in future, the Deputy Commissioner must take into consideration the special allowance of Rs. 65 per month being paid to regular/permanent Safai Karamcharies (Sweepers) and in this manner the hardship being faced by the daily/casual Safai Karamcharies (Sweepers) can be avoided. The issue is decided accordingly in favour of the claimants.

9. In view of the above discussion, it is held that daily rated/casual Safai Karamcharies, who have rendered more than one year's service are not entitled to any uniform. It is further held that while fixing daily rate of daily rated/casual Safai Karamcharies (Sweepers), in future, the Deputy Commissioner must take into consideration the special allowance of Rs. 65 per month being paid to regular/permanent Safai Karamcharies. The award is passed accordingly.

Dated the 29th April, 1986.

R. N. BATRA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

Endst No. 294, dated 29th April, 1986

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.